

Update statement from TCEQ:

TCEQ staff members are involved in two aspects of this disaster.

- 1) TCEQ first arrived on-site at 9:37 p.m., Wednesday evening. The TCEQ Mobile Command Post arrived at 4:00 a.m., Thursday morning and is located a 1/2 mile from the blast site in West. It was up and running at 5:00 a.m. We are working under the incident command and are the lead for coordinating state assets to conduct air monitoring, plume modeling, and assessing all environmental concerns. Environmental assessments are underway.
- 2) To address immediate safety concerns, twelve Area RAE monitors have been set up around perimeter to monitor the air at distances ranging from a 1/2 mile to a 1/4 mile. At first light an entry team of TCEQ Emergency Response (ER) Contractors, 6th Civil Support Team, and EPA Contractors began to characterize the site to determine current facility emissions within the exclusion zone. TCEQ is actively monitoring air quality to assess any immediate health effects or threats.

At TCEQ headquarters in Austin, staff have compiled information about the company's permits and compliance history (attached).

AIR PERMIT AUTHORIZATIONS:

There are two air permit authorizations:

- a. Permit #79803 for two 12,000-gallon anhydrous ammonia storage tanks; and
- b. Permit #80404 for the material loading and storage operations of dry fertilizer materials.

The first air permit was issued on December 12, 2006 after technical review and with no comments received following an opportunity for public comment and contested case hearing.

The second permit was issued on March 15, 2007 after technical review and with no comments received following an opportunity for public comment and contested case hearing.

West Fertilizer Co. was originally constructed in 1962 prior to state and federal requirements to obtain authorization for emission of air contaminants. As a result, this facility was 'grandfathered' until state law required grandfathered facilities to obtain authorization, in this instance, September 1, 2004. Following a 2006 citizen complaint, the TCEQ investigated and issued a notice of violation.

In addition to all appropriate rules and regulations of the agency, the facility operates under general and special permit conditions and other technical requirements.

More specifically, the applications were reviewed for protectiveness to ensure that emissions from normal, day to day operations would not have impacts off property. For the anhydrous ammonia application this included air dispersion screen modeling as well as special conditions in the permit to mitigate potential releases of ammonia. While this permit contains requirements that reduce the risk of an ammonia release, the TCEQ does not authorize upsets or emission events.

INVESTIGATIONS:

This facility has been subject to routine oversight and complaint driven investigations:

a. Investigation No. 10077 (Incident No. 6055): Dust complaint investigation conducted September 18, 2002 to October 3, 2002 – no nuisance conditions noted.

b. Investigation No. 483529 (Incident No. 76859): Odor complaint investigation conducted June 20, 2006 - The TCEQ observed the facility had lost their grandfather permitting status and were required to obtain authorization. Per state law, grandfathered facilities in this instance were required to file a permit application by September 1, 2004. Notice of Violation issued on June 21, 2006 for operating without authorization and subsequently resolved on December 21, 2006 following submission of air permit application with TCEQ. (See Investigation No. 534828 below)

c. Investigation No. 513398: Site review investigation conducted on September 20, 2006 - no concerns noted.

d. Investigation No. 518224: Consistent with agency practice, TCEQ conducted an investigation and provided comment on draft permit provisions on November 2, 2006 - no additional changes made to draft permit. Permit No. 79803 was issued on December 12, 2006 after a technical review and an opportunity for public comment period and contested case hearing.

e. Investigation No. 534828: Follow up investigation reviewing compliance documentation conducted on December 20, 2006, regarding violation documented from Investigation No. 483529 - violation resolved by obtaining needed permits listed above.

f. Investigation No. 536904: Consistent with agency practice, TCEQ conducted a site investigation re: draft permit provisions on January 16, 2007.

g. Investigation No. 542417: Consistent with agency practice, TCEQ conducted a file review re: draft permit provisions on February 28, 2007 - no additional changes made to draft permit. Permit No. 80404 was issued on March 15, 2007 after a technical review and an opportunity for public comment period and contested case hearing.

TCEQ has not received any complaints regarding this facility since those documented above.

TCEQ is cooperating with other state, federal, and local authorities during emergency response as well as with subsequent investigations.